

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re

ABAYOMI ONAGBESAN,

No. 05-12295

Debtor(s).

TIMOTHY W. HOFFMAN, Trustee,

Plaintiff(s),

v.

A.P. No. 05-1136

LISA C. BLAZEI,

Defendant(s).

Memorandum After Trial

At his 341 hearing, Chapter 7 debtor Abayomi Onagbesan told the trustee, plaintiff Timothy Hoffman, under oath, that he had been married four about four years and that a home he had shared with his wife, defendant Lisa Blazei, had been purchased before they were married with her separate funds from an inheritance. These statements were false. The true facts were that he had been married for about nine years, his wife had no inheritance, and that the property had been purchased during the marriage. In fact, title had been taken by the debtor and his wife as community property.

1 In 2003, the Onagbesan and his wife sold the “inheritance” house and purchased a new home in  
2 Novato, California. Title to this home was taken in Blazei’s name alone, because a judgment had been  
3 entered against Onagbesan. He filed his Chapter 7 petition on September 1, 2005, scheduling no interest  
4 in real property. Two months later, Balzei transferred title to Onas International, Inc., a shell  
5 corporation controlled by Onagbesan.

6 Blazei has entered into a stipulation with Hoffman whereby the property has been recovered for  
7 the benefit of the bankruptcy estate. The only remaining issue in this adversary proceeding is whether  
8 Onagbesan should receive his discharge.

9 Onagbesan has come forward with innocent explanations as to why his testimony to the trustee  
10 was in error. These innocent explanations might be true. However, the court finds it much more likely  
11 that the testimony was knowingly and intentionally false, given with the intent to convince the trustee that  
12 Onagbesan had no interest in the Novato residence or the proceeds of the sale of the prior residence.

13 Numerous factors lead the court to its conclusion. Onagbesan, although apparently foreign-born,  
14 appears intelligent, educated, articulate, fluent in English, and well-versed in property law. The  
15 questions the trustee asked were unambiguous, and the answers Onagbesan gave were precise. The false  
16 answers went to the heart of the sole asset of value in the case. Aside from excuses for his false  
17 statements, Onagbesan chose to defend this case by attacking the validity of the lawsuit against him even  
18 though judgment had been entered against him, indicating to the court that he felt justified in manipulating  
19 the facts of his case because he believed the judgment against him was unjust. Moreover, his use of the  
20 shell corporation evinces misplaced cleverness, not honesty.

21 The court concludes that Onagbesan knowingly and fraudulently gave the trustee false testimony  
22 under oath in connection with this case and with the intent to deceive the trustee into thinking the estate  
23 had no claims against the Novato real property. His discharge will accordingly be denied pursuant to §  
24 727(a)(4) of the Bankruptcy Code. Hoffman shall recover his costs of suit.

25 This memorandum constitutes the court’s findings and conclusions pursuant to FRCP 52(a) and  
26 FRBP 7052. Counsel for Hoffman shall submit an appropriate form of judgment forthwith.

1 Dated: November 22, 2006

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4 Alan Jaroslovsky  
U.S. Bankruptcy Judge  
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